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OFFICE OF PETITIONS

In re Application of	:	
McCall, et al.	:	
Application No. 10/761,772	:	ON PETITION
Filed: January 20, 2004	:	
Attorney Docket No. 1981/689	:	

This is a decision on the papers styled, "Petition Under 37 CFR 1.181," filed on June 21, 2004 (Certificate of Mailing Date: June 18, 2004), which has been treated as a Petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of January 20, 2004, including the compact disc, filed on that date.

The application was filed on January 20, 2004. However, on April 19, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice To File Missing Parts of Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, but the compact disc appear to have been omitted. Specifically, "The Office is unable to read all of the files on the compact disc(s)."

In response, on June 21, 2004, the instant petition and two (2) additional copies of the compact disc were submitted.

The compact disc submitted January 20, 2004, was tested in the Office of Petitions. The compact disc was found to be readable, with difficulty, however.¹ The following files were found on the compact disc, submitted January 20, 2004:

- Motion Detection Software (folder)
- adcony.asm (file)

¹ The compact disc was not readable on the first attempt. A number of attempts were required on different USPTO computers in order to read the compact disc. However, the compact disc was found to be readable on a USPTO computer.

- delay.asm (file)
- framtx.asm (file)
- Main.asm (file)
- motion.asm (file)
- motx.pjt (file)
- quad.asm (file)
- startup.asm (file)
- tx_sync.asm (file)

- Wireless Software (folder)
 - delay.asm (file)
 - dirchk6.asm (file)
 - framerx.asm (file)
 - frametx.asm (file)
 - frd3_5.asm (file)
 - initial.asm (file)
 - wirbd3_5.asm (file)
 - wirbd3_5.pjt (file)

In view of the above, the petition is granted.

The \$130.00 petition fee will be refunded to deposit account no. 23-1925.

This application will be returned to OIPE for processing with a filing date of January 20, 2004, including the compact disc submitted on that date. However, as the compact disc proved to be readable, but with difficulty, the compact disc copies submitted June 21, 2004 shall be used for examination purposes.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.



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Conferees: Jay Lucas and Michael Masinick